

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
pulver.com)	WC Docket No. 03-45
)	
Petition for Declaratory Ruling that)	
Free World Dialup is neither)	
Telecommunications nor a)	
Telecommunications Service)	

WORLDCOM COMMENTS

Pursuant to public notice DA 03-349 (rel. February 14, 2003), WorldCom, Inc. (“WorldCom”) submits these comments on pulver.com’s petition for declaratory ruling that its Free World Dialup (“FWD”) is neither “telecommunications” nor a “telecommunications service,” as those terms are defined in section 153(a) of the Telecommunications Act of 1996. According to pulver.com, such a ruling is necessary to establish that FWD is an unregulated service in the U.S., thus signaling the international community that it should remain unregulated worldwide.¹ What pulver.com seeks amounts to little more than a declaration that the Internet itself is unregulated in the U.S.; a declaration that should be entirely unnecessary at this point in time.

As described in the petition, FWD is an Internet application that allows broadband Internet subscribers to engage in real-time voice communications with other broadband Internet subscribers via SIP telephones or personal computers that are SIP-enabled.² Registered users of FWD are able to call each other using a private dialing plan from

¹ Petition at 1.

² Session Initiation Protocol (SIP) is a signaling protocol that supports IP-based voice communications.

anywhere in the world where they can obtain a broadband Internet connection. There is no charge for the use of FWD.

FWD comprises nothing more than the exchange of packets between two endpoints on the public Internet. The fact that those packets represent real-time voice communications cannot be seen as a justification for regulating them. The Commission has never before found that an Internet application is subject to regulation. There is no conceivable reason to do so in this instance.

Nonetheless, the existence of this application should cause the Commission to focus its energies on removing irrational regulatory structures that inhibit competition. FWD competes directly with traditional circuit-switched voice communications. But providers of circuit-switched services are hobbled by an irrational intercarrier compensation regime that applies disparate, non-cost-based rates to the exchange of traffic among carriers on the public telephone network. It is past time to eliminate the regulatory vestige of the access charge regime and create a uniform, pro-competitive regime for interconnection and intercarrier compensation.

In WorldCom's view, Commission precedent provides no basis for regulating FWD. But the Commission has plenary authority to sweep away its irrational intercarrier compensation regime. That step is needed to ensure that providers of circuit-switched services compete on a level field with new applications like FWD.

Respectfully submitted,

WorldCom, Inc.

/s/
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